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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002847

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [IZ](#)

SUBJECT: PROVINCIAL POWERS LAW USED IN HISTORIC TEST TO
REMOVE SALAH AD DIN,S PROVINCIAL GOVERNOR

REF: BAGHDAD 2530

Classified By: OPA Deputy Director Henry Wooster for reasons 1.4 (b) and (d)

¶1. (U) This is a Salah Ad Din Provincial Reconstruction Team (PRT) message.

¶2. (U) Summary: On October 13 an Iraqi federal court upheld the Salah Ad Din (SAD) Provincial Council (PC) dismissal of the Provincial Governor following a six-week struggle between the two principal governing entities in the Province. On October 18 the PC named First Deputy Governor Ahmed Abed-al-Jabar to be Acting Governor until a new governor can be elected by the Council. In a separate but possibly related incident, on October 11 Council of Representatives Speaker al-Samarraie (a fellow Iraqi Islamic Party member with the Governor) sent a letter purporting to dismiss PC Chair Ahmad Abd Allah Abd (Abu Mazin). The allegations against the PC Chair are awaiting decision by a federal court which the PC has said it will honor. The Federal Court,s action to uphold the PC,s removal of the Governor under the 2008 Provincial Powers Law is an important milestone in the development of the division of power between the federal and provincial governments. Also notable is PC Chair Abu Mazin,s stated intent to abide by the Court,s decision in his case and that no violence has been associated with the removal of the Governor. End Summary.

¶3. (U) In an October 7 letter from Council of Representatives (COR) Speaker Ayad Al Samarraie to the SAD Provincial Council, the Speaker stated that Mr. Ahmad Abd Allah Abd (Abu Mazin), Chairman of the SAD Provincial Council, was being terminated and his salary suspended, effective immediately. The letter stated that the action was based on provisions of the Provincial Powers Law related to allegations that the Chairman did not have the necessary educational credentials (a valid high school diploma) and had a criminal record related to a 1996 car theft. On October 11, the PC voted overwhelmingly to denounce the COR letter as politically motivated and to retain their Chairman. Immediately following the PC vote a Council member told PRToffs that an Iraqi federal court had upheld the SAD Council dismissal of Governor Ilaiwee.

¶4. (C) In an October 13 meeting, Abu Mazin told PRToffs that he had spoken with 160 COR members and they had agreed that Samarraie,s letter was illegitimate and politically motivated. (Note: The Provincial Powers Law allows the COR to remove a Provincial Governor by a majority vote of the COR upon the request of the Prime Minister, but does not provide a mechanism for the removal of members of the Provincial Council. End note). The PC Chair produced a letter from the Parliamentary Ethics and Anti-Corruption Committee contradicting Samarraie,s October 7 letter to the PC stating that the COR Speaker had no authority to dismiss the PC Chair. A copy of the letter was sent to PM Maliki.

¶5. (U) In an October 18 emergency session, the PC voted to remove the Governor by a vote of 16-0 with three abstentions. The three abstaining members walked out of the session

immediately after the vote. First Deputy Governor Ahmed Abed-al-Jabar was named Acting Governor and the PC set the conditions for selecting the new Governor: nominations for candidates will close on October 25, candidate resumes will be reviewed on October 26 and ten candidates will be selected. On October 27 the PC will select the new Governor by secret ballot. PC sources have told PRTOffs that the favorite to emerge as a replacement for the PGOV is Deputy Chair Khalid Salih, also from Samarra. QChair Khalid Salih, also from Samarra.

17. (SBU) Regarding PC Chair Abu Mazin,s pending legal case, Salih said the Council was awaiting the decision from the Federal Court before acting. He said that if the Court rules against Abu Mazin, the PC would vote to oust him as well. Salih said Abu Mazin had agreed to abide by the Court,s decision and to resign from the PC if necessary.

18. (U) One immediate positive effect of the removal of the Governor on corruption charges has been reported at the Traffic Bureau. One Iraqi told us he recently went to the Traffic Bureau to obtain a vehicle license, an endeavor that typically requires bribes to several officials. This time the Iraqi said no money was solicited. The Directors General in charge of these local offices appear to be chastened by the action against the Governor.

19. (C) Comment: The Federal Court,s action to uphold the PC,s removal of the Governor under the 2008 Provincial Powers Law is an important milestone in the development of the division of power between the federal and provincial governments. Also notable is PC Chair Abu Mazin,s stated intent to abide by the Court,s decision in his case and that

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no violence has been associated with the removal of the Governor. End Comment.
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